

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MICHAEL J. MARTIN,	:	
Petitioner,	:	
v.	:	Case No. 3:19-cv-189
WARDEN, LONDON	:	JUDGE WALTER H. RICE
CORRECTIONAL INSTITUTION,	:	
Respondent.	:	

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #22) AND SUPPLEMENTAL REPORT AND RECOMMENDATIONS (DOC. #34); OVERRULING PETITIONER'S OBJECTIONS THERETO (DOCS. ##29, 38); DISMISSING PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF HABEAS CORPUS (DOC. #1) WITH PREJUDICE; DENYING CERTIFICATE OF APPEALABILITY AND LEAVE TO APPEAL *IN FORMA PAUPERIS*; JUDGMENT TO ENTER IN FAVOR OF RESPONDENT AND AGAINST PETITIONER; TERMINATION ENTRY

Based on the reasoning and citations of authority set forth by United States Magistrate Judge Michael R. Merz in his Report and Recommendations, Doc. #22, and his Supplemental Report and Recommendations, Doc. #34, as well as upon a thorough *de novo* review of this Court's file and the applicable law, the Court ADOPTS said judicial filings in their entirety.

Petitioner's Objections to those judicial filings, Docs. ##29, 38, are OVERRULED on the merits and/or as procedurally defaulted. As Magistrate Judge Merz cogently explains in the Supplemental Report and Recommendations, those

Objections are based almost entirely on Petitioner's fundamental misunderstanding of Ohio's "castle doctrine" and the burden of proof concerning the affirmative defense of self-defense.

For the reasons thoroughly explained by Magistrate Judge Merz, the Court DISMISSES WITH PREJUDICE the Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus, Doc. #1.

Given that Petitioner has not made a substantial showing of the denial of a constitutional right and, further, that the Court's decision herein would not be debatable among reasonable jurists, and because any appeal from this Court's decision would be objectively frivolous, Petitioner is denied a certificate of appealability, and is denied leave to appeal *in forma pauperis*.

Judgment will be entered in favor of Respondent and against Petitioner.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: May 21, 2020



WALTER H. RICE
UNITED STATES DISTRICT JUDGE